

NOV 29 2018Clerk, U.S. Courts
District Of Montana
Missoula DivisionIN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ANTHONY WEIMER,

Plaintiff,

vs.

GOOGLE INC.; MICROSOFT
CORPORATION; FEDERAL
COMMUNICATION COMMISSION;
U.S. DEPARTMENT OF JUSTICE,

Defendants.

CV 18-78-M-DLC-JCL

ORDER

Before the Court is Plaintiff Anthony Weimer's Motion Pursuant to Rule 60. (Doc. 53.) Weimer asks the Court to reconsider its Order of October 24, 2018, granting the Defendants' motions to dismiss (Doc. 51).

Federal Rule of Civil Procedure 60(b) authorizes the Court to relieve a party from a final judgment for various reasons, including "any . . . reason that justifies relief." Weimer advances three potential reasons to grant the motion: (1) the Court made a mistake; (2) the judgment is void; and (3) fraud upon the court was committed. None of these reasons is sufficient. The Court did not make a mistake in concluding that none of the Defendants may be held liable for obscene content published by third parties. (*See* Doc. 51 at 2-3.) Weimer's argument that the

judgment is void simply rehashes his earlier arguments against sovereign immunity for the government, and as the Court previously explained, those arguments fail. (See Doc. 51 at 2.) Finally, the Court cannot agree that the Court committed fraud upon itself by deciding this matter as without the assistance of two other Article III judges, as this case does not demand hearing by a three-judge panel.

Accordingly, IT IS ORDERED that Weimer's Rule 60 motion (Doc. 53) is DENIED.

DATED this 29th day of November, 2018.



Dana L. Christensen, Chief Judge
United States District Court